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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,414	06/21/2001	Rosa Maria Gomez	60011320-1	5748

7590

04/23/2003

HEWLETT-PACKARD COMPANY
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EXAMINER

MOUTTET, BLAISE L

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/886,414

Applicant(s)

GOMEZ ET AL.

Examiner

Blaise L Mouttet

Art Unit

2853

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 14 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Response to Amendment and Arguments

The applicant has argued the merits of the amendment to claim 1 including a newly claimed comparing step. This additional subject matter would necessitate further searching and consideration by the examiner and is thus inappropriate for entry after a final rejection. The examiner maintains that Takada et al. '353 does perform a step of determining a level of print quality which is described in column 12, lines 58-63 of Takada et al. as noted in the applied rejection.

The applicant has argued, regarding claim 14, that Takada et al. does not disclose an ink drop detector. The applicant alleges that an optical reader having a light source directed to an image formed of ink drops on a medium and a sensor that receives reflected light from the medium would not be considered an ink drop detector.

The applicant is incorrect in this allegation and has contradicted what is disclosed in the originally filed specification as being "an ink drop detector". In page 9, lines 27-29 of applicant's specification this type of drop detector is clearly included in what applicant considers "an ink drop detector".

The applicant has argued, regarding claims 3 and 16, that the examiner has incorrectly interpreted the concept of "printmode" to include a density mode for printing. The applicant has referenced a portion of the specification discussing multipass printmodes in an attempt to distinguish the meaning of printmode from the prior art. However the examiner fails to find that the applicant has uniquely defined printmode to exclude all printmode types which do not employ multipass techniques. It appears to the examiner that the applicant is attempting to read limitations of the specification into the

claim. The examiner has correctly interpreted a print mode as a mode of operating a printer which determines the operational characteristics of the printer. It is noted by the examiner that the term "print mode" has been utilized extensively in the art to refer to modes of operation other than using multipass techniques including, for example, color type print modes (i.e. monochrome vs. full color), gradation print modes (in which the number and/or size of ink drops is regulated to establish plural tones), paper type print modes (in which the type of paper such as transparency, glossy, regular determine the ink ejection amount), etc. In the instant case Takada et al. provides evidence for utilizing a print mode based on a reference density selection. A narrow interpretation of "print mode", as argued by applicant, including only print modes employing a multipass printing technique would be contrary to the art excepted meaning of a print mode. If applicant intends to limit the meaning of print mode in this fashion this limitation should be reflected by the claims.

The remainder of applicant's arguments are unconvincing to the examiner and the examiner maintains the applied rejection of all pending claims as put forward in the final rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet whose telephone number is (703) 305-3007. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams, Art Unit 2853, can be reached at (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet April 22, 2003

Bm 4/22/2003


JUDY NGUYEN
PRIMARY EXAMINER